

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 867

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 6, 2016, and ordered printed.

Read 2nd time January 20, 2016, and referred to the Committee on Jobs, Economic Development and Local Government.

Reported from the Committee February 25, 2016, with recommendation that the bill do pass.

Taken up for Perfection March 2, 2016. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5606S.01P

AN ACT

To repeal sections 137.565, 233.180, and 233.295, RSMo, and to enact in lieu thereof three new sections relating to road districts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 137.565, 233.180, and 233.295, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 137.565,
3 233.180, and 233.295, to read as follows:

137.565. Whenever ten or more voters residing in **or owners of land in**
2 any general or special road district in any county in this state shall petition the
3 county commission of the county in which such district is located, asking that
4 such commission submit the question in such district for the purpose of voting for
5 or against the levy of the tax provided for in the second sentence of the first
6 paragraph of Section 12 of Article X of the Constitution of Missouri, it shall be
7 the duty of the county commission, upon the filing of such petition, to submit the
8 question. The petition so filed shall set out the duration of the tax to be levied
9 in a period of one, two, three, or four years and the ballot to be used for voting
10 shall specify the number of years duration of the tax levy, but in no event shall
11 the duration of the tax levy be for a period of more than four years. Such
12 submission shall be made by an order entered of record setting forth the date and
13 the rate of tax the commission will levy, which rate shall not exceed thirty-five
14 cents on the hundred dollars assessed valuation on all taxable real and tangible
15 personal property in the district.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

233.180. 1. At the term of the county commission in which such order is
2 made, or at any subsequent term thereafter, the county commission shall appoint
3 three commissioners of the special road district, who shall be voters of the district
4 and owners of land within the district, who shall hold their office until the second
5 Tuesday in April thereafter. The voters of the district shall elect three
6 commissioners of the special road district, one of whom shall serve one year, one
7 for two years and one for three years, and on municipal election days each year
8 thereafter they shall elect a commissioner of the special road district to take the
9 place of the one whose term is about to expire, who shall serve three years.

10 2. No person shall be elected or appointed commissioner of the special
11 road district who is not a voter of **the district or a registered voter from the**
12 **county in which the district is located and an owner of land in the**
13 district. Any vacancy caused by resignation, death, removal from the district of
14 a commissioner of the special road district or sale of all land owned by [him] **the**
15 **commissioner** in the district shall be filled for the unexpired term by
16 appointment by the remaining commissioners of the special road district. All
17 commissioners of the special road district shall qualify by taking, subscribing and
18 filing with the county clerk the oath prescribed by the constitution of this state,
19 and that they will faithfully, honestly and impartially discharge their duties as
20 commissioners of the special road district according to law.

21 3. If for any reason the board of commissioners of the special road district
22 herein mentioned shall fail to fill a vacancy or vacancies caused by the expiration
23 of the term of any one or more of the commissioners of the special road district,
24 then the county commission is hereby authorized and required to appoint a
25 person to fill the vacancy.

233.295. 1. Whenever a petition, signed by the owners of a majority of the
2 acres of land, within a road district organized under the provisions of sections
3 233.170 to 233.315 shall be filed with the county commission of any county in
4 which such district is situated, setting forth the name of the district and the
5 number of acres owned by each signer of such petition and the whole number of
6 acres in such district, the county commission shall have power, if in its opinion
7 the public good will be thereby advanced, to disincorporate such road district. No
8 such road district shall be disincorporated until notice is published in at least one
9 newspaper of general circulation in the county where the district is situated for
10 four weeks successively prior to the hearing of such petition.

11 2. In any county with a population of at least thirty-two thousand

12 inhabitants which adjoins a county of the first classification which contains a city
13 with a population of one hundred thousand or more inhabitants that adjoins no
14 other county of the first classification, whenever a petition signed by at least fifty
15 registered voters residing within the district organized under the provisions of
16 sections 233.170 to 233.315 is filed with the county clerk of the county in which
17 the district is situated, setting forth the name of the district and requesting the
18 disincorporation of such district, the county clerk shall certify for election the
19 following question to be voted upon by the eligible voters of the district:

20 Shall the incorporated road district organized under
21 the provisions of sections 233.170 to 233.315, RSMo, be dissolved?

22 ☐ YES ☐ NO

23 If a majority of the persons voting on the question are in favor of the proposition,
24 then the county commission shall disincorporate the road district.

25 3. The petition filed pursuant to subsection 2 of this section shall be
26 submitted to the clerk of the county no later than eight weeks prior to the next
27 countywide election at which the question will be voted upon.

28 4. Notwithstanding other provisions of this section to the contrary, in any
29 county of the first classification with more than one hundred four thousand six
30 hundred but less than one hundred four thousand seven hundred inhabitants,
31 any petition to disincorporate a road district organized under sections 233.170 to
32 233.315 shall be presented to the county commission or similar authority. The
33 petition shall be signed by the lesser of fifty or a majority of the registered voters
34 residing within the district, shall state the name of the district, and shall request
35 the disincorporation of the district. If a petition is submitted as authorized in
36 this section, and it is the opinion of the county commission that the public good
37 will be advanced by the disincorporation after providing notice and a hearing as
38 required in this section, then the county commission shall disincorporate the road
39 district. This subsection shall not apply to any road district located in two
40 counties.

41 5. Notwithstanding other provisions of this section to the contrary, in any
42 county of the third classification without a township form of government and with
43 more than thirty-four thousand but fewer than thirty-four thousand one hundred
44 inhabitants, any petition to disincorporate a road district organized under
45 sections 233.170 to 233.315 shall be presented to the county commission or
46 similar authority. The petition shall be signed by the lesser of fifty or a majority
47 of the registered voters residing within the district, shall state the name of the

48 district, and shall request the disincorporation of the district. If a petition is
49 submitted as authorized in this section, and it is the opinion of the county
50 commission that the public good will be advanced by the disincorporation after
51 providing notice and a hearing as required in this section, then the county
52 commission shall disincorporate the road district. This subsection shall not apply
53 to any road district located in two counties.

54 6. Notwithstanding other provisions of this section to the contrary, in any
55 county of the second classification with more than fifty-four thousand two
56 hundred but fewer than fifty-four thousand three hundred inhabitants, any
57 petition to disincorporate a road district organized under sections 233.170 to
58 233.315 shall be presented to the county commission or similar authority. The
59 petition shall be signed by the lesser of fifty or a majority of the registered voters
60 residing within the district, shall state the name of the district, and shall request
61 the disincorporation of the district. If a petition is submitted as authorized in
62 this section, and it is the opinion of the county commission that the public good
63 will be advanced by the disincorporation after providing notice and a hearing as
64 required in this section, then the county commission shall disincorporate the road
65 district. This subsection shall not apply to any road district located in two
66 counties.

67 7. Notwithstanding other provisions of this section to the contrary, in any
68 county, any petition to disincorporate a road district organized under sections
69 233.170 to 233.315 shall be presented to the county commission or similar
70 authority. The petition shall be signed by the lesser of fifty or a majority of the
71 registered voters residing within the district, shall state the name of the district,
72 and shall request the disincorporation of the district. If a petition is submitted
73 as authorized in this section, and it is the opinion of the county commission that
74 the public good will be advanced by the disincorporation after providing notice
75 and a hearing as required in this section, then the county commission shall
76 disincorporate the road district. This subsection shall not apply to any road
77 district located in two counties.

78 8. Notwithstanding other provisions of this section to the contrary, in any
79 county, a petition to disincorporate a road district located in two counties
80 organized under sections 233.170 to 233.315 shall be presented to the county
81 commission or similar authority in each county in which the road district is
82 located. Each petition shall be signed by the lesser of fifty or a majority of the
83 registered voters residing within the district and county, shall state the name of

84 the district, and shall request the disincorporation of the district. If a petition
85 is submitted as authorized in this section, and it is the opinion of the county
86 commission in each county in which the road district is located that the public
87 good will be advanced by the disincorporation after providing notice and a
88 hearing as required in this section, then the county commission in each county
89 in which the road district is located shall disincorporate the road district. A road
90 district located in two counties shall not be disincorporated until it is
91 disincorporated in each county in which it is located.

92 **9. The county commission or similar authority shall have the**
93 **power to combine two or more road districts organized under sections**
94 **233.170 to 233.315 upon request by a petition signed by a majority of the**
95 **commissioners in each of the road districts seeking to be combined.**

96 **10. The petition presented to the county commission or similar**
97 **authority shall set forth the request that the road districts desire to be**
98 **consolidated and shall set forth the proposed name of the new road**
99 **district. If a petition is submitted as authorized in this section, then**
100 **the county commission or similar authority shall hold a public hearing**
101 **at a place and time it designates after it has published notice of the**
102 **hearing for four consecutive weeks in a newspaper of general**
103 **circulation in the county.**

104 **11. After said hearing, if it is the opinion of the county**
105 **commission that the public good will be advanced by the consolidation**
106 **of the districts, then the county commission or similar authority shall**
107 **issue its order consolidating the districts and in its order set the**
108 **effective date of the consolidation.**

109 **12. Upon consolidation, the county commission or similar**
110 **authority shall appoint the three initial commissioners of the**
111 **consolidated district, one for a term of one year, one for a term of two**
112 **years, and one for a term of three years.**

113 **13. Upon consolidation, all assets and liabilities of the combined**
114 **districts shall vest in the new consolidated district. In the event the**
115 **tax levies of the combined districts are different, then the initial tax**
116 **levy for the consolidated district shall be the lower of the districts**
117 **which were combined until changed as provided by statute.**

118 **14. The county commission or similar authority shall have the**
119 **power to make deeds, bills of sale, or other instruments transferring**
120 **the assets of the districts combined to the new consolidated district and**

121 shall have all other powers necessary to effectuate the consolidation
122 and transfer of all assets and liabilities to the consolidated road
123 district.

124 15. The provision of subsections 9 to 15 of this section shall not
125 apply to any road district located in two counties.

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Unofficial

Bill

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